



Division of
Enforcement

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VIA ECF

Honorable J. Paul Oetken
Thurgood Marshall United States Courthouse
U.S. District Court for the Southern District of New York
40 Foley Square, Room 2101
New York, New York 10007

Re: CFTC v. Rivoire, 19 Civ. 11701 (JPO)

Dear Judge Oetken:

In accordance with the Court's Civil Case Management Order (Dkt. # 17), the parties respectfully submit the following joint letter to inform the Court of the status of the litigation.

To date, the parties have exchanged initial disclosures and each made First Requests for Production of Documents ("RFPs"). The parties are currently engaged in production of responsive documents.

In response to Mr. Rivoire's RFP, the CFTC has produced over 71,000 documents and audio recordings, representing the bulk of the third-party materials in the CFTC's possession that are responsive to Mr. Rivoire's RFP. The CFTC continues to identify and produce additional responsive materials. To date, Mr. Rivoire has produced nine documents in response to the CFTC's RFP.

Mr. Rivoire's counsel has recently informed the CFTC's counsel that the French "blocking statute"¹ prevents the CFTC from obtaining any other discovery from Mr. Rivoire other than via international diplomatic processes. Counsel has represented that the blocking statute prevents the CFTC from taking Mr. Rivoire's deposition and prevents Mr. Rivoire from producing other responsive, non-privileged documents located in France. The parties are

¹ Article 1a of Law No. 68-678 of July 26, 1968 *Relating to the Communication of Documents and Information of Economic, Commercial, Industrial, Financial or Technical Nature to Foreign Natural or Corporate Persons*.

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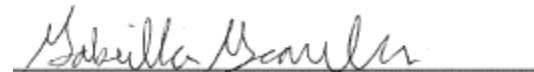
currently discussing how to proceed with regard to discovery from Mr. Rivoire, but have not yet reached any agreement.

Additionally, Mr. Rivoire intends to file a request with the Court to issue a letter rogatory for international judicial assistance, seeking assistance of the Courts of Japan to compel discovery from the Japan Bank for International Cooperation.

The Court has set a fact discovery deadline of November 1, 2021. Although the parties are still engaged in document production and the issue of discovery from Mr. Rivoire is unresolved, the parties currently anticipate that they can complete fact discovery within this time frame. Should obtaining discovery from Mr. Rivoire continue to pose issues, the parties may need additional time and, if so, will promptly request an extension from the Court.

Respectfully submitted,

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